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**MAY 17 2005**

**TECHNOLOGY CENTER 3600**

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P.O. BOX 3188  
WEST PALM BEACH, FL 33402-3188

In re application of:

Candee Weitzman  
Application No. 10/702,172  
Filed: November 4, 2003  
For: PURSE HOLDER

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DECISION ON REQUEST  
FOR WITHDRAWAL OF  
ATTORNEY

This is a decision on the request filed on April 4, 2005, under 37 CFR 1.36 and MPEP 402.06, requesting permission to withdraw as the attorney of record in the above-identified application.

The request is **NOT APPROVED**.

Under 37 CFR 1.36 an attorney may withdraw only upon application to and approval by the Commissioner. It should be noted that a withdrawal is effective when approved, not when filed. Besides giving due notice to his or her client and delivering to the client all papers and property to which the client is entitled as specified under 37 CFR 10.40, approval of such a request requires that the following conditions be met:

- A) Each attorney of record must sign the notice of withdrawal, or the notice must contain a clear indication of one attorney signing on behalf of another, because the Office does not recognize law firms;
- B) A proper reason for the withdrawal as enumerated in 37 CFR 10.40(b) or subsection (1)-(6) of 37 CFR 10.40(c) must be provided; and
- C) If withdrawal is requested in accordance with 37 CFR 10.40(c) above, there must be at least 30 days between approval of the withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a).

The request to withdraw as attorney is not accepted in the above-identified application because the request lacks conditions A) and B) above.

As to condition A), the attorneys associated with Customer No. 30448 do not correspond with those named in the Power of Attorney in the declaration thereby creating confusion as to who is withdrawing. To alleviate this problem, it is suggested that the request be resubmitted and that such request specifically state that the signing attorney is signing on behalf of all attorneys of record in this application.

As to condition B), the reason "Irreconcilable Differences" is not appropriate since it is not clear that the client is aware of this, or that the client knowingly or freely assents to the withdrawal of attorney. A proper reason for withdrawal is enumerated in 37 CFR 10.40(b) subsections (1)–(4) or subsections (1)–(6) of 37 CFR 10.40(c) must be provided.



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SNM/dew: 5/10/05